

STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, IN ESCALANTE VALLEY DRAINAGE AREA SOUTH OF THE TOWN OF OPAL INCLUDING BUT NOT LIMITED TO PINTO CREEK, SHOAL CREEK AND TRIBUTARIES THERETO, AND THE BERYL AND MILFORD UNDERGROUND WATER AREA.

STIPULATION OF WATER RIGHTS  
ON PINTO CREEK

It is stipulated by the undersigned water users of the water of Pinto Creek that the Proposed Determination of Water Rights in Escalante Valley be amended to correspond to this stipulation. This change in the nature of the rights involved in this stipulation has been necessitated because it is impossible to have satisfactory distribution of these rights as they exist in the proposed determination. In all other respects concerning the water rights of the undersigned users of Pinto Creek water, the proposed determination shall govern as it now exists. It is therefore stipulated:

1. That the Pinto Creek Irrigation Company has acquired all legal right, title and interest in the following water users claims in the Escalante Valley Proposed Determination: 231, 395, 140, 260, 412, 414, 837, 835, 257, 417, 418, 233, 398, 399, 258, 400, 404, 839, 838, 259, 390, 836, 834, 232, 396, 256, 415, 234, 397, 402, 401, 266, 416.

2. That the Newcastle Reservoir Company acquired all legal right, title and interest in the following water users claims in the Escalante Valley Proposed Determination: 405, 407, 408, 409, [REDACTED] 411, 327, 1207, 1179, 1219.

That since its acquisition of the above numbered water users claims, the Newcastle Reservoir Company has conveyed these rights to the Utah Water and Power Board as security for the financing of the Newcastle Reservoir.

3. That the Pinto Creek Irrigation Company has the right to use 0.30 c.f.s. of the flow of Pinto Creek with an April 1, 1860 priority for domestic use of 23 families, and for stockwatering use of 3,000 chickens and turkeys, 125 swine, 50 horses, and 400 cattle. The water used to satisfy this right is to be diverted through the East Community Ditch and all stockwatering use shall be directly on the East Community Ditch or Pinto Creek. No water user will be allowed to divert water under this right into other ditches for stockwatering purposes. The period of use for this right shall be from January 1 to December 31, inclusive, of each year.

4. The Pinto Creek Irrigation Company shall have the right to divert 4 c.f.s. of water from March 15 to April 30, inclusive, of each year through the Higbee, East Community and West Community Ditches for irrigation purposes with a May 1, 1860 priority.

5. The Pinto Creek Irrigation Company shall also have the right to divert 4.00 c.f.s. of water on an alternate 7-day basis from May 1 to September 30, inclusive, of each year beginning on May 8 of each year for irrigation purposes with a May 1, 1860 priority.

That during the 7-day period when the 4 second-feet is being diverted by the Pinto Irrigation Company, the following diversion of water with a priority of May 1, 1860, for the 4 ranches in Pinto Canyon is determined. Distribution is to begin at the Newcastle Reservoir and progress upstream to the Harrison, Tullis, Platt and Knell ranches, respectively. The water commissioner is to distribute the water under these rights either on a percentage basis as determined by the relative flows or on an hourly rotation basis as determined by the listed hours. He is to choose whichever method will prove most beneficial to all users of Pinto Creek water and his action is subject to appeal to the State Engineer.

Knell Ranch - - -	all of stream for 30 hrs. during each 7-day period or 0.30 c.f.s.
Platt Ranch - - -	" " " " 26 " " " " " 0.26 c.f.s.
Tullis Ranch - -	" " " " 44 " " " " " 0.44 c.f.s.
Harrison Ranch - -	" " " " 48 " " " " " 0.48 c.f.s.
Newcastle Res. CO.	" " " " 20 " " " " " 0.20 c.f.s.

This diversion of water to be operated within the total allowable diversion in acre-feet allocated to these rights. This same diversion of water under this same priority is to apply during the period October 1 to October 31, inclusive, as to the above 4 named ranches and the Newcastle Reservoir Co.

6. The Newcastle Reservoir Company shall be entitled to divert 2.02 c.f.s. of water during the 7-day period which alternates with the right described in Paragraph 3 from May 1 to September 30, inclusive, of each year beginning on May 1 of each year for irrigation purposes with a May 1, 1860 priority. The remaining flow of 1.67 c.f.s. during the alternate 7-day period beginning May 1 of each year shall be used to satisfy the rights of the Knell Ranch, Platt Ranch, Tullis Ranch, and Harrison Ranch, because when the above described water of the Newcastle Reservoir Company was acquired from the predecessors of the Pinto Creek Irrigation Company, the change was subject to the intervening rights of the above named ranches. Therefore,

in order that the water rights of these ranches be protected they shall be entitled to a flow of water during the 7-day period when Newcastle Reservoir Company is using the water as follows:

Knell Ranch - - -	.36 c.f.s.	or all of stream for 17 hrs. during 7-day period
Platt Ranch - - -	.31 c.f.s.	" " " " " 15 " " " " "
Tullis Ranch- - -	.53 c.f.s.	" " " " " 25 "" " " " "
Harrison Ranch--	.58 c.f.s.	" " " " " 27 " " " " "
Newcastle Res. Co.	2.2 c.f.s.	" " " " " 84 " " " " "

This diversion of water is to be operated within the total allowable diversion in acre-feet allocated to these rights. The water commissioner is to distribute the water under these rights either on the percentage basis as determined by the relative flows or on an hourly rotation basis as determined by the listed hours. He is to choose whichever method will prove most beneficial to all the users of Pinto Creek and his action is subject to appeal to the State Engineer.

7. That the Pinto Irrigation Company with a priority of March 1, 1861, has a right to divert 6 second-feet of water at its 3 points of diversion for the period March 15 to Nov. 1 of each year. That the 4 ranches listed below for the same period be given the following flows with an April 1, 1861 priority, to be operated within the acre-foot allocated to the respective ranches. These flows are divided as follows:

Knell Ranch - - - -	1.70 c.f.s.
Platt Ranch - - - -	1.40 c.f.s.
Tullis Ranch - - -	2.50 c.f.s.
Harrison Ranch - -	2.70 c.f.s.

8. That the Newcastle Reservoir Company's water rights, other than listed previously, are as follows:

<u>W.U.C.</u>	<u>Flow</u>	<u>Priority</u>
408	0.75 c.f.s.	June 1, 1880
409	5.00 c.f.s.	June 1, 1896
411	17.65 c.f.s.	1907
327	1.8 c.f.s.	1910
1207	25.0 c.f.s.	Mar. 2, 1911
No W.U.C., Cert. 1409	27.5 c.f.s.	Sept.12,1911
Application 19599	6,500 ac.-ft.	Mar.31, 1948

It is recommended by the undersigned users that the proposed determination of water rights for Escalante Valley, as it relates to Pinto Creek, be amended by the court to include the rights as set forth in this stipulation in place of the rights presently embodied in said determination.

<u>Jerald L. Olsen</u>	<u>RANCH</u>
<u>Lester B. Riding</u>	<u>PLATT RANCH</u>
<u>H. Paul Harrison</u>	<u>RANCH</u>
<del><u>Fulton L. J. Robinson</u></del>	<del><u>TULLIS RANCH</u></del>
<u>Albert Harrison</u>	<u>PINTO IRRG. COMPANY PRES.</u>
<u>Arthur J. Sauer</u>	<u>PINTO IRRG. COMPANY VICE PRES</u>
<u>Richard F. Jones</u>	<u>NEW CASTLE RES. CO. PRES</u>
<u>Indy J. Nell</u>	<u>NEW CASTLE RES. CO. VICE PRES.</u>
<u>Richard Harrison</u>	<u>RANCH</u>
<u>Mary L. Tullis</u>	<u>RANCH</u>

Suscribed and sworn to before me this 16 day of July

1967

Apr. 26, 1967  
My commission expires

Doe C. Hansen  
Notary Public